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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,812	03/19/2004	Gareth Alan Howell	MS1-1927US	7070
22801	7590	06/22/2009		
LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201			EXAMINER TEKLE, DANIEL T	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 06/22/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/804,812

**Applicant(s)**

HOWELL ET AL.

**Examiner**

DANIEL TEKLE

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-12, 14-22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 14-22, and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 16, 2009 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-8, 10-12, 14-22, and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-12, 14-22, and 24-26 reject under 35 U.S.C. 102(e) as being anticipated by Dunbar et al. (US 2004/0268397).

**Regarding Claim 1:** Dunbar et al. discloses one or more processor-readable media having processor-executable instructions that, when executed by a processor, performs

acts comprising: obtaining at least one of a plurality of encoded multimedia clips, the plurality of encoded multimedia clips collected in a timeline of a video editing system (paragraph 0089), each clip having a defined normal decode schedule which designates a normal rate for decoding the multimedia clip (paragraph 0067); obtaining one or more transforms (paragraph 0066); decoding the multimedia clip at a rate greater than the normal decode schedule (paragraph 0066); applying the one or more transforms to at least one of the plurality of decoded multimedia clips to form a multimedia segment (paragraph 0067); buffering the multimedia segment in a system memory (paragraph 0089); real time glitch-free normal playback of the just-buffered and just-decoded multimedia segment, wherein the real time glitch-free normal playback comprises rendering and presenting the just-buffered and just-decoded buffered multimedia segment such that the just-buffered and just-decoded multimedia segment is played back without glitch, interruption, jumpiness, jerkiness, or change in playback speed (Abstract, paragraph 0005 and 0089).

**Regarding Claim 2:** Dunbar et al. discloses one or more media as recited in claim 1 wherein the obtaining one or more transforms comprises obtaining at least one plurality of transforms stored in a database of the video editing system (paragraph 0071 and 0067).

**Regarding Claim 3:** Dunbar et al. discloses one or more media as recited in claim 1 wherein the transform comprises a transition between one portion of the multimedia segment and another portion (paragraph 0071 and 0067).

**Regarding Claim 4:** Dunbar et al. discloses one or more media as recited in claim 1, wherein the transform comprises a multimedia transition, a multimedia effect, or titles, encoding, or decoding to the segment (**paragraph 0071**).

**Regarding Claim 5:** Dunbar et al. discloses one or more media as recited in claim 1 further comprising determining whether to perform the decoding and buffering when spare computing resources are otherwise available (**Fig. 5**).

**Regarding Claim 6:** Dunbar et al. discloses one or more media as recited in claim 1, wherein the buffering occurs in a video memory (**paragraph 0089**).

**Regarding Claim 7:** Dunbar et al. discloses one or more media as recited in claim 1, wherein one or more of the acts recited in claim 1 are performed concurrent (**paragraph 0053**); concurrent acts comprising the decoding, the buffering, the rendering and the displaying (paragraph 0004); performance of each act consumes computing resources (**paragraph 0053**); and the overall consumption of computing resources for concurrent performance of one or more of the acts does not exceed the resources available (**paragraph 0053 and 0089**).

**Regarding Claim 8:** Dunbar et al. discloses one or more media as recited in claim 2, wherein one or more of acts are performed via dedicated hardware, where those acts are selected from decoding, transforming, buffering, and rendering (**paragraph 0106**).

**Regarding Claim 10:** Claim 10 are rejected for the same subject matter as claim 1 and fig. 4 element 420.

**Regarding Claim 11:** Dunbar et al. discloses system for facilitating glitch-free realtime playback of a multimedia segment from a within a video editing system, the system comprising: a decoder configured to decode an encoded multimedia segment, the encoded media segment comprising at least one of a plurality media clips collected in a timeline of the video editing system (paragraph 0089); the segment having a defined normal decode schedule which designates a normal rate for decoding the multimedia segment, the decoder being further configured to decode the encoded multimedia segment at a greater rate than the normal decode schedule (**paragraph 0089**); wherein the decoder is still further configured to determine whether to decode the encoded multimedia segment at a greater rate than the normal decode schedule when spare computing resources are otherwise available for doing so (**Fig. 5 and paragraph 0069**); a buffer configured to store the decoded multimedia segments which the decoder has decoded at a greater rate than the normal decode schedule (**paragraph 0089**); a renderer configured to obtain decoded multimedia signals from the buffer and render the decoded multimedia signals at a normal rate for presentation (**paragraph 0004**); a display presentation mechanism configured to playback rendered and decoded multimedia signals in real time and glitch free manner (paragraph 0089).

**Regarding Claim 12:** Dunbar et al. discloses system as recited in claim 11 further comprising a transformer configured to receive the decoded multimedia segment and apply a transform on the segment (**paragraph 0071**).

**Regarding Claim 14:** Dunbar et al. discloses a system as recited in claim 11, wherein the buffer is a dual-ported memory (**paragraph 0089**).

**Regarding Claim 15:** Claim 15 is rejected for the same subject matter as claim 6.

**Regarding Claim 16:** Dunbar et al. discloses a system as recited in claim 11, wherein the decoder is embodied, at least in part, in a processor-readable memory (**paragraph 0070**).

**Regarding Claim 17:** Dunbar et al. discloses a system as recited in claim 11, wherein the decoder is embodied, at least in part, in hardware (**paragraph 0106**).

**Regarding Claim 18:** Dunbar et al. discloses a system as recited in claim 12, wherein the transformer is embodied, at least in part, in a processor-readable memory (**paragraph 0070**).

**Regarding Claim 19:** Dunbar et al. discloses a system as recited in claim 12, wherein the transformer is embodied, at least in part, in hardware (**paragraph 0106**).

**Regarding Claim 20:** Dunbar et al. discloses a system as recited in claim 12, wherein a the transform is selected from a group consisting of multimedia effects and multimedia transitions (**paragraph 0070**).

**Regarding Claims 21-22 and 24-26:** Claims 21-22 and 24-26 are rejected for the same subject matter as claim 1 + 3, 12, 5, 6, 8 respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621